

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Feb 05, 2009

FILED
CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: LAWNMOWER ENGINE HORSEPOWER
MARKETING AND SALES PRACTICES
LITIGATION (NO. II)

MDL No. 1999

(SEE ATTACHED SCHEDULE)

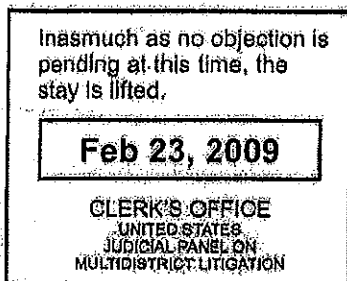
CONDITIONAL TRANSFER ORDER (CTO-4)

On December 5, 2008, the Panel transferred 23 civil actions to the United States District Court for the Eastern District of Wisconsin for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See ___ F.Supp.2d ___ (J.P.M.L. 2008). Since that time, 19 additional actions have been transferred to the Eastern District of Wisconsin. With the consent of that court, all such actions have been assigned to the Honorable Lynn S. Adelman.

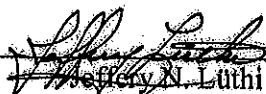
It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Wisconsin and assigned to Judge Adelman.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Wisconsin for the reasons stated in the order of December 5, 2008, and, with the consent of that court, assigned to the Honorable Lynn S. Adelman.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Wisconsin. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.



FOR THE PANEL:


Gregory N. Luthi
Clerk of the Panel

**IN RE: LAWNMOWER ENGINE HORSEPOWER
MARKETING AND SALES PRACTICES
LITIGATION (NO. II)**

MDL No. 1999

SCHEDULE CTO-4 - TAG-ALONG ACTIONS

DIST. DIV. C.A. #

CASE CAPTION

ALASKA

AK 3 09-12

Brian Kruchoski v. Sears, Roebuck & Co., et al.

ALABAMA MIDDLE

ALM 2 09-47

Harry M. Lynch, et al. v. Sears, Roebuck & Co., et al.

ARKANSAS EASTERN

ARE 4 09-37

Abdallah Bishara v. Sears, Roebuck & Co., et al.

DISTRICT OF COLUMBIA

DC 1 09-125

Humberto Gonzalez v. Sears, Roebuck & Co., et al.

KENTUCKY EASTERN

KYE 5 09-22

Benjamin M. Keizer, et al. v. Sears, Roebuck & Co., et al.

NEW HAMPSHIRE

NH 1 09-17

Gina H. Kunesh v. Sears, Roebuck & Co., et al.

SOUTH CAROLINA

SC 0 09-150

Christopher Lee v. Sears, Roebuck & Co., et al.

UTAH

UT 2 09-38

Adam E. Paulson v. Sears, Roebuck & Co., et al.

WEST VIRGINIA SOUTHERN

WVS 2 09-10

John F. Lilly v. Sears, Roebuck & Co., et al.

WYOMING

WY 2 09-11

Martin Marcus, et al. v. Sears, Roebuck & Co., et al.